

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
)
vs.) Mag. No. 1-09-MJ-149
)
DERRICK TALLEY)

MEMORANDUM AND ORDER

In accordance with Rules 5 and 5.1 of the Federal Rules of Criminal Procedure and in accordance with the Bail Reform Act, 18 United States Code § 3142(f), the preliminary hearing and detention hearing were held in this action on April 22, 2009. Those present included:

- (1) AUSA Scott Winne for the United States of America.
- (2) The defendant, DERRICK TALLEY.
- (3) Attorney Gene Shiles for defendant.
- (4) DEA Drug Task Force Officer Jamie Hixson.
- (5) Courtroom Deputy Kelli Jones.
- (6) Court Reporter Shannan Andrews.

Upon being sworn the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

The defendant acknowledged he had received a copy of the Criminal Complaint. It was determined he was capable of being able to read and understand these proceedings.

AUSA Winne moved the court the defendant be detained without bail.

Detention Hearing and Preliminary Hearing - Proof

AUSA Winne called DEA Drug Task Force Officer Jamie Hixson as a witness. He testified to the facts outlined in the affidavit attached to the criminal complaint.

Findings

Having heard and considered the testimony of the Officer Hixson during the detention hearing and preliminary hearing and the Affidavit/Complaint, the undersigned finds:

- (1) There is probable cause to believe that there has been a violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A), possession with

the intent to distribute 50 grams or more of cocaine base (crack), committed in the Eastern District of Tennessee.

(2) There is probable cause to believe the defendant committed the aforesaid offense.

(3) The proof the defendant committed the aforesaid offense is strong.

(4) There are no conditions nor are there any combination of conditions which will reasonably assure the safety of the community or the presence of the defendant at future hearings.

Conclusions

It is ORDERED:

(1) The defendant is held to answer the charges against him in the District Court.

(2) AUSA Winne's motion to detain the defendant without bail is GRANTED for reasons set out in the separate ORDER OF DETENTION PENDING TRIAL filed with this order.

(3) The defendant's next appearance shall be before the undersigned U.S. Magistrate Judge at **1:30 pm on Friday, May 1, 2009**.

ENTER.

Dated: April 23, 2009

s/William B. Mitchell Carter

UNITED STATES MAGISTRATE JUDGE